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NUNC PRO TUNC

BY NO

DEPUTY

NOV 28 2012

Original

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

10 Princess Samantha Kennedy

11 Adam Clayton Ulrich

12 Plaintiffs

13 v.

14 Paramount Pictures Corp.

Civil No. 12 cv 0372 WQH WMC

Honorable William Q Hayes

Plaintiffs' Opposition And  
Objection To Defendants'  
Request for Judicial  
Notice In Support of

Defendant's Motion  
to Dismiss First  
Amended Complaint

Memorandum of Points  
And Authorities in  
Support of Plaintiffs'  
Opposition and Objection  
to Defendant's Request  
for Judicial Notice

Date: December 17, 2012

Time: 11:00 a.m.

Place: Courtroom 4

Judge: The most  
Honorable Judge William  
Q HAYES

This Opposition And Objection is based on the accompanying Memorandum of Points and Authorities, all pleadings and other documents included in support of opposition and Objection. Plaintiffs hereby moves this Court to deny Defendant's Notice of Request For Judicial Notice.

Dated 11-28-12, 2012

Truly and Most Respectfully  
By Princess Samantha Kennedy  
and Adam Clayton Ulrich  
Plaintiffs Pro Se

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Plaintiffs' Opposition and  
2. Objection to Defendant's  
Notice of Request For Judicial Notice

Memorandum of Points and Authorities  
In Support of Plaintiffs' Opposition  
And Objection To Defendant's Request  
For Judicial Notice

Comes now the plaintiffs Princess Samantha Kennedy and Adam Clayton Ulrich appearing pro se and makes the following in objection and opposition.

I. Defendants' Request For Judicial Notice is Overbroad AND IMPROPER

"In order for a fact to be judicially noticed under Rule 201(b) [of the Federal Rules of Evidence 'FRE']] indisputability is a prerequisite." U.S. v. Jones, 29 F.3d 1549, 1553 (11<sup>th</sup> Cir. 1994) (citing 21 C. Wright & K. Graham, Federal Practice and Procedure: Evidence §5104 at 485 (1971 & Supp. 1994)). "Since the effect of taking judicial notice under Rule 201 is to preclude a party from introducing contrary evidence and in effect, directing a verdict against him as to the fact noticed, the fact must be one that only an unreasonable person would insist on disputing."

Ibid. "If it were permissible for a court to take judicial notice of a fact merely because it has been found to be true in some other action, the doctrine of collateral estoppel would be superfluous." Ibid. A court may take judicial notice of a document filed in another court not for the truth of the matters asserted in the other litigation, but rather to establish the fact

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of such litigation and related filings. Jones, supra, 29 F.3d at 1553; see also, Wyatt v. Terhune, 315 F.3d 1108, 1114 (9th Cir. 2003)

("[T]aking judicial notice of findings of fact from another case exceeds the limits of Rule 201.")

"Accordingly, a court may take notice of another court's order only for the limited purpose of recognizing the "judicial act" that the order represents or the subject matter of the litigation."

Jones, supra, 29 F.3d at 1553. The Defendant ask this court to take judicial notice of Exhibits 1 through 9, mostly about previous case of Kenredy in the Forrest Camp case. The court should not take judicial notice. Defendant far

exceeds the bounds of FRE 201. In Wikipedia a "Judicial Notice" is a rule in the law of evidence that allows a fact to be introduced into evidence if the truth of that fact is so notorious or well known, or so authoritatively attested, that it cannot reasonably be doubted. This is done upon the request of the party seeking to rely on the fact at issue. "It is given without being formally introduced by a witness. (No expert witness here)

In the United States, Article II of the Federal Rules of Evidence ("FRE") addresses judicial notice in federal courts and this article is widely copied by U.S. States. FRE 201(b) permit judges to take judicial notice of two categories of facts:

1. Those that are "generally known within the territorial jurisdiction of the trial court"

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(e.g. locations of streets within the court's jurisdiction) or 2. Those that are "capable of accurate and ready determination by resort to source whose accuracy cannot reasonably be questioned" (e.g. the day of the week on a certain date). The FRE also notes that judicial notice may be permissive or mandatory. If it is permissive, then the court may choose to take judicial notice of the fact proffered, or may reject the request and require the party to introduce evidence in support of the point. If it is mandatory, then the court must take judicial notice of the fact proffered. Although the FRE does not expand upon the kinds of facts that would fall into one category or another, courts have ruled that judicial notice must be taken of federal public laws and treaties, state public laws, and official regulations of both federal and local government agencies. Judicial notice and the burden of proof - FRE 201 (F) establishes that the effect of the court taking judicial notice is different in civil and criminal trials. In a civil trial, the fact taken Notice of is thereby conclusively proved. We are not even at trial stage, we are trying to make a complaint, there is no discovery, no expert witness, we are objecting. All the facts have NOT been brought forth, we are trying to make a complaint. In a criminal case, the defendant has the right to contest every fact that might tend to incriminate him. Therefore, the court taking judicial notice

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would simply allow the jury to make the finding that the court took notice of, but would not require this outcome, and would not prevent the defense from presenting evidence to rebut the noticed fact. On the federal trial court level, judicial notice is recognized in rule 201 of the Federal Rules of Evidence for U.S. District Courts and magistrates. If a party objects to the taking of judicial notice, the court must give that party an opportunity to be heard on the issue. We object. In a civil jury trial, the court must inform the jury that it must accept the judicially noticed facts in the case as conclusively proved. In a criminal trial by jury, the court must instruct the jury "that it may, but, is not required to accept as conclusive any fact judicially noticed facts include the location of streets, buildings, and geographic areas; periods of time, business customs; historical events; and federal, state, and International law. The danger of judicial notice is that, if abused, it can deprive the fact finder of the opportunity to decide a contestable fact in a case.

In *Walker V. Halliburton Services*, 654 So. 2nd 365 (La. App. 1995), Johnny Walker fell from a tank truck approximately ten feet to a concrete floor. Walker sought workers' compensation benefits for his injuries and his claim was denied by the office of Workers' Compensation. At the application hearing, the hearing officer stated

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a soft-tissue injury heals in six weeks - preventing Walker from contesting that proposition - and disallowed Walker's claim, on appeal the Louisiana Court of Appeal, Third Circuit, reversed the decision and ordered the payment of workers compensation benefits. According to the court, it was a clear error of law for the hearing officer to take judicial notice of such intricate medical knowledge. The defendant can ask the court to take judicial notice of what is already contained within the same case file. The Defendant is asking the court to take judicial notice in another lawsuit. We are not trying Gump. Exhibit 1 (defendant's exhibit), dates are entered wrongly. See Exhibit here, I filed my complaint in June, 1995 and another date where The Judge tells me to amend is 9-11, Not 9-12-95, to the best of my memory. Dates are wrongly entered. The Judge entered in 9-11-95 granting, I believe I will never forget the date, which is store in plastic boxes in storage, granting in forma pauperis and to amend, Not 1-12-96. Exhibit 2 (defendant's exhibit), copyrights of mine are not all there, they have been omitted, see amended pleading Exhibit A of mine. Exhibit 3 (defendant's exhibit) Defendant omits over 100 similarities of mine in my works that are almost 600 pages, whittle down phrases and declare "scenes a faire". They concentrated only on Glenn and Not

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Sequence of events, that there was a Forrest and a box of chocolates in my work, a man in a plaid shirt sitting on a bench. There were no expert witnesses, only the testimony of defendants' and makers of Gump. Also court tapes in the last vital moments had been spliced. The defendant had access. Defendants make statement that Forrest and Jenny do not swim in the Gump screenplay, they do, they copied where I write naked little children are swimming in the water. Attorneys wanted to avoid this scene. They whittle down similarities and whole scenes and state they are common words, "scenes a faire," and now defendant copies from this old case and do the same as previous attorneys. Winston Groom's Book was nowhere similar to the Gump movie, he sued Paramount Pictures. We only (in Groom's Book) see one sentence about Jenny in his book, she and Forrest never marry, mama never dies and runs off with another man, while Forrest rockets up and lands on the island of Borneo with canabels, headhunters and stewing pots and Forrest running naked with Raquel Welch through Beverly Hills. It was an unknown book, used to front the movie, while they copied from mine. The Judge declared my case non-frivolous and denied them attorney fees.

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Exhibit 8 (defendant's exhibit), the new Blu-Ray of 2 1/2 new hours and omitted scenes they did not use in Titanic (scenes they copied from me + we can see in Titanic script) I have not seen DVD yet, we do not have a DVD player, or the money to buy one. I have seen omitted scenes in Titanic Script, they have copied from me. In Exhibit 9 (defendant's exhibit), they tried to omit evidence and they got a magistrate Judge to get them out of answering almost all my questions. See Exhibit B here. The dates, some presented appear to be wrong that is documented (see Exhibit 1, defendant's exhibit) see also my exhibit B, my case filed June, 1995. The defendants also never presented a financial statement in the case, but, I had to. The last I heard on the Crump case I had to supply a brief to court and defendants never did, I got a letter from the court that defendants would be allowed to delay their brief, court wrote "until further notice" I never got the notice and the case may still be open. I also recieved that had been decided during the Christmas Holidays, the court was closed. Pursuant to California Code of Civil Procedure § 430.10(d), (e) and (f), the party against whom a complaint has been filed may object by demurrer to the pleading on grounds

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there is a defect or misjoinder of parties, the pleading does not state facts sufficient to constitute a cause of action or the pleading is uncertain, ambiguous and/or unintelligible. However, it is an abuse of discretion for the court to sustain a demurrer if there is a reasonable probability that the defect can be cured by Amendment.

(Schifando v. City of Los Angeles (2001)

31 Cal. 4th 1074, 1082.) The burden is on the plaintiff to demonstrate how the complaint can be amended to state a valid cause of action. In Exhibit 5 of Defendant's Notice, they try to mislead the court by hiding the entire newspaper article attached, like they did before in the Gump Case, that presented to court because it is vital evidence. This news article was vital to my case and now in Titanic it is vital.

This whole news article, in my Exhibit A. Here, along with news articles on the Gump Case. They newspaper they try to conceal and mislead the court is a 1981 News article about me. We see a photo of a man wearing plaid sitting on a park bench like Forrest, we read about the singer (defendants embellished and scummed up) the military man who could not walk (defendants embellish and cut his legs off) the slowman, the newspaper always was inserted in my scripts, always accompanied my scripts. They do NOT want the court

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to see it, that is why you see a small portion of it. See my Exhibit A For the big article. My scripts also included a military photo of Glenn who many people said looked like Lt. Dan. The actor who was hired to play Lt. Dan, was hired because he looked like Glenn, they use both Glenn's likeness and my adopted dad's likeness in the Gump movie. They had access. Federal Rule of Civil Procedure 8(a)(2) requires only "a short and plain statement of the claim showing that the pleader is entitled to relief," in order to "give the defendant fair notice and grounds upon which it rests." An amended complaint is "freely given." We have presented in our case a fair notice and sample scene synopsis between the two works, and verbatim copied dialogue, same characters, their same names, Titanic I wrote about and also about Forrest, the card game to win the ticket and verbatim dialogue "It was like winning the lottery," which are not common words. I presented copyrights. See Exhibit C of my amended pleading, brief scenes synopsis between the two works and scenes between the two works. It is substantially similar, but Defendant leaves it out and whittles it down to words & says it is common, "Scenes a faire." Judicial notice violates the right to a Jury Trial.

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II. Forrest Crump and my work is substantially similar.

Jenny + I both had tremendous tragedy and poverty before the age of seven with a father who was a farmer (but who did not touch me and my sisters, an embellishment from the makers of Forrest Crump) Both little girls were taken by police to live with her relative, Both had torn clothes and a mad dog, both played in a tree. In Crump Jenny + I are going to college, Forrest + Jenny are sitting on the bed. Forrest is there watching her, her hair is wet she is wearing a bra and asks him if he has ever touched a girl, ever been with a girl, he reaches out and touches her breasts and he ejaculates. On one script page of mine, Lorine and Gilbert are sitting on the bed talking about their missing child Teresa (me), Lorine is wearing her bra and she starts to take it off, below on the same page my hair is wet from the water, I am naked, an eleven year old child as a man is watching me. Forrest ejaculates in the robe, Lorine drops her robe in front of him (used again in Titanic) Both Jenny and Teresa are wasted away from illness. I write there needs to be more funding for AIDS research, I am a singer as a child on stage in Tennessee singing about our country's Bi-Centennial, I am dying. (They use again in Titanic - Rose is singing, "she knows she is dying, she is hallucinating") Jenny is singing

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on stage in Tennessee, (I sing on stage in Tennessee) naked as the men "fondle her, grope her, pour beer on her as she tries to sing a song, "she is catatonic" sitting on a stool and we see a man pick up the naked Jenny and carry her out, then she has her "costume" on, we see the 4<sup>th</sup> of July fireworks. Jenny gets sick has a virus, tells Forrest she sees God but he does not believe her as she floats (on drugs and shooting up in the movie) in the U.S. I am a child singing on stage for the 4<sup>th</sup> of July, we see the Uncle Sam "costume", I am dying, singing my heart out, a child and I faint. The conductor picks me up (same as Jenny on stage being picked up) and he carries me out, wearing my white formal and corsage away from the school stage. I am almost dead from my illness, over 8 feet of large intestine is removed and some of my small intestine, "I've needles in my neck" (Jenny puts the needle in her arm - heroin) paddles (we see in camp with doctors and patients around) are applied to my chest, I flat line, last rites have been given (they use again in Titanic the last rites) wasted away. I try to pull the tube from my nose, as I was waking up, I told Doctor Charles I heard Jesus' voice (Jenny sees God) like Forrest, Doctor Charles does not believe me, he says I am "hallucinating" from all the morphine they are giving me, I had died. I go back to college, Jenny goes

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to college, before her illness. In Forrest Gump we have a slow man who wears braces, he sits on a bench in his plaid shirt giving chocolates to people, the box of chocolates. He has a best friend who is black in which he rides to the military base with, he says "we are not relation". Same as mine, he sits on the bench, wears plaid, has a box of chocolates, rides to the base with his black Buddy and his Buddy says "we are not related." Both Gump and my work have fighting in Vietnam, football playing, all the Presidents, Nixon's Watergate, the assassination of the Kennedys and Martin Luther King, Marilyn Monroe, Drinking soda pop and the long walks their long walks with their wives in the country. Gilbert loses the use of his legs, throws things off the table drinking Jack Daniels, falls to the floor, the woman calls him "freak," and they are fighting, he goes on a drinking binge. Lt. Dan loses the last of his legs, throws things off the table (They use again in Titanic when Cal throws things off the table) we see a bottle of Jack Daniels, he goes on a drinking binge, throws things off the table & falls to the floor (They use again in Titanic, when Cal throws things off the table, we see Rose on the floor, she had been drinking) we hear "freak" and there is fighting, both Lt. Dan and Gilbert tell them to get the hell out, "get out." Both Gilbert

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Both Gilbert and Lt. Dan have a fight with God / Devil in a storm and lightning, screaming and yelling, both works have the hurricane, Carmen. Forrest continues to run back to the pier (they use the pier again where I am an eleven year old naked child on the pier, in Titanic, "Young Rose on the pier" as the camera flashes from photographers go off like a battle") We see the pier in Cump, Forrest jumps into the water, I am naked on the pier and jump into the water, little boys naked as Jaybirds in a tree playing jump into the water as a tractor goes by, the tractor in Cump goes by. In Cump same as mine, we see a woman in a dark dress lead the child through the yard wearing braces and walking with a limp. Forrest says we have a hat called Bubba Cump Shrimp (a small person-shrimp) hat, we got more money than the Davy Crocket. I like in the county in Tennessee where we have the Davy Crockett Highway, he wore a coon skin hat + I write about Fess Parker. I am naked on the pier wearing a hat like a little boy, I throw it off + I am not a boy, taking my clothes off after I fish (not shrimp) while a man is watching me. I throw the hat onto the pier. Forrest says he has a Bubba Cump Shrimp hat, + that we have more money than the Davy Crocket. Jenny and I both have the same address.

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We see on the envelope "Rt. 2" letters sent back to Forrest, my brother mails me a letter wanting to see me, I write my address is "Rt. 2", Also a troll call Webster gets a letter in aump, in my work, Director of the F.B.I Mr. Webster gets a letter.

Both Gilbert and Cump are on their boat with Lt. Dan sitting on the pier. There is substantial similarity. While I am in the hospital, I have to learn to walk again, my black nurse is there, I have to bathe, I throw a tray at the nurses, she comes back over and over again, we see the black nurse sitting by Forrest on the bench. She tries to help me walk over and over, I am in pain crying, The black nurse sitting by Forrest tells him her feet are in pain. In hospital, I am covered in white bandages (Defendant states I had "a brain disease," A BOLD LIE, I have never had a "brain disease" and I never wrote I had a brain disease) I guess they did that to mislead the court to think there are no similarity. I have to walk again, I can't walk, using a walker (We see the same in Titanic, Rose in the wheelchair, she gets up and walks) While Lt. Dan and Forrest are in the hospital, Lt. Dan asks Forrest does he know what it is like to not be able to use your legs? Lt. Dan's Black Nurse comes in and takes him to get his bath. Lt. Dan throws a bed pan. Forrest goes into the hospital room, looks down and sees a small person covered in white bandages.

You can see my naked bottom, my gown open,

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President Johnson asks Forrest where he was wounded, he says he was wounded in the buttocks, Johnson says + whispers to Forrest that he would like to see it, Forrest bends over and shows his naked bottom (my bottom is visible) Both Jenny and I are dying from an illness, I write we need more AIDS research, Defendants give Jenny the AIDS to embellish, she has the virus. Both characters, like Gump and Gilbert meet their child for the first time, both have a child that has the same name as his father. "I was named after a Queen." Both characters Gilbert and Gump are told they "have the I.Q. of a genius." I also write I was tested for I.Q. and other mental tests and to see if I had mental disorders, I was a little slow they told my adopted family, but, they wanted me re-tested. Results were I was not mentally ill or crazy, that I did not have "schizophrenia" which is "catatonic", I did have ulcerative colitis, with loose stools and heavy bleeding from the bowels and I sang on stage as a child. Jenny "sitting on a stool" naked on stage, "catatonic" while me fondle her naked body. We are both picked up by a man off the stage and carried away. While she is naked on stage one man says, "This ain't Captain Kangaroo, a children's television show. We also hear in movie "are you crazy or just stupid" (Forrest had I.Q. + mental tests) my "peas and carrots" are copied. Which

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Forrest says "we were like peas and carrots" in which they use again in Titanic when Cal calls Rose "Sweet Pea" when they are having their Big Dinner they copied from my big dinner and make a toast. See Exhibit A my newspaper article that was always included inside my scripts, where it shows a man in Plaid like Forrest sitting on a Bench in the park, it is our story, the reason I started writing my works, it talks about the Slow man, the military man, who cannot walk, the singer. a cover up and my work is destroyed. also included in Exhibit A is a letter from Brian Williams of NBC News about the Gump lawsuit and additional news articles about the Gump lawsuit. My works are almost 600 pages, difficult to describe in a couple of pages like the defendant has tried only concentrating on Gilbert and leaving out other people, names, sequence of all the events, dialogue, mood setting. In the movie Lt. Dan wants to be an astronaut, I write about John Glenn the astronaut, Lt. Dan walks up, Forrest and Jenny get married, Jenny is wearing a ring of flowers around her head, with NO shoes, we see the woman in yellow at the wedding, Lt. Dan looks at Jenny and licks his lips. Glenn and Lorine get married, we see the woman in yellow, I am naked, at the pier, 11 years old with a ring of flowers in my hair, barefooted, near the water, we see a woman later floating, white gown, NO shoes on feet.

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in which they use again in Titanic (the woman in the white gown, floating dead in the water)

The wheelchair is being pushed, my pregnant mother, Gilbert is walking one night and a vehicle tries to hit him, run him down, my mother is put into a cab. The car tries to hit Gilbert, his little boy, Damon, has a brain tumor, something is wrong with his eyes, they are bloodshot, they fear he will go blind.

We see Forrest and Lt. Dan out walking, Forrest is pushing the wheelchair, a vehicle tries to hit them, they are almost hit.

Lt. Dan screams, "ARE YOU BLIND!! I'm WALKING HERE!!" The works are

substantial similarity, sequence of events, same copied names. Forrest, Jenny, Lt. Taylor, Black Friend he rides to the military with, the man who dies by the river, the KKK masked men, Jenny throwing a rock through the window, Vietnam and all the Presidents, but, not limited to. The defendant like before in 'Gump' is trying to mislead the court, in their exhibit to dismiss my amended complaint, judicial notice, Exhibit 5, they do not copy the whole newspaper article to show the man in PLAID SITTING ON THE BENCH, "The Tennessean" front page news article. They do not want the court to read it, or see it.

See my Exhibit A Here of the entire article, I always put a copy in my scripts. We see both Gilbert and Gump running in the desert,

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the mountains, we hear them ask what are  
 "you running for the environment, women,  
 animals, for world peace", they copied  
 from mine for "women, the environment,  
 animals, for world peace."

During World War II Mussolini, The Duke,  
 was hanged upside down, Gilbert finds a doll  
 hanging by the neck by a rope, a robe (Forrest  
 ejaculates in the robe) it looks a lot like him  
 hanging there. (We see the doll again in Titanic)  
 We hear the music "Aquarius" while little  
 11 year old Teresa has her back to the camera.

She throws her clothes off, her hat off,  
 to show she is not a boy, a man is watching  
 her from a hill, she is naked (me) running  
 and starts to climb, climb, climb up a tree  
 that has a rope (We hear in Titanic, cut  
 them down, I need a knife, I need a knife)  
 a rope tied to a tree limb, she swings out  
 over the water, swinging. In Gump or  
 Forrest that is in the same paragraph as Prince Philip  
 and Queen Elizabeth, ("We are royalty Rose" shows her  
 the jewel (coronation of Queen Elizabeth) In Gump  
 "Aquarius starts to play while Forrest is playing  
 with his paddle, we see Forrest and the little  
 boy wearing a hat with their back to the camera  
 fishing (I have my back to camera fishing) (I am  
 naked, I start running, a man is there) we see  
 the children are running and we see a tree.

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We see them sitting in the tree. Forrest says, "I taught her how to climb" and she showed me how to swing." We see Forrest hanging upside down from a tree limb. We see Forrest several times running on the pier. I write that the military men who were gay or bedwetters were given a bad discharge. Glenn goes into the latrine flushes the toilet and throws water into the officer's face. Forrest is holding himself like a little boy while they were giving out good citations and congratulations. Forrest is with Jack Kennedy, Jack asks him, Congratulations, How do you feel, Forrest, "I got to pee." (Bed-wetters) He goes into the bathroom, flushes the toilet, washing his dirty hands he sees Marilyn Monroe. (I was molested at three, I'm dirty, crying, I write Marilyn Monroe dies of a supposedly overdose of drugs. Jenny's father was always touching and kissing (molested) (by sitter) Jenny. Forrest shows up at the front door, the baby sitter brings home the little boy. Jenny tells him that the house is cluttered. Forrest walks through the house. The baby sitter knocks on the door and is holding the little boy. The sitter is in a hurry and says she is doubled park. Jenny tells him the little boy is his son, she named him after him, your his father, Forrest. (Forrest is found in the

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same paragraph with Prince Philip)  
 Charles knocks on the door, he starts walking through the house, Lorine is on the couch (like Rose when he - the wife stealer sketches her) I am asleep, it is very "cluttered" I write. Charles tells Allen the children are not being taken care of. The father has shown up at the front door asking the sitter for me and to hurry up that I did not need any clothes, he is parked outside, she hands the baby (me) to him & takes me to the car. I was (molested) by a baby sitter at the age of three, crying and screaming for weeks. "Very dirty, I'm dirty." He is heavy from eating too many pot luck dinners at church. He wanted to put his hands on a three year old, curly haired baby. In Titanic, he takes her to the car, she says "put your hands on me" "she welcomes his weight as she slides under him." We see a small bloody hand slap a bloody handprint on the glass, then the ship hits and their doom is coming.

When Charles shows up and says I am not being taken care of Gilbert throws him out. Police and government show up, take me away, in a pink blanket, holding my teddy bear, Charles

had me removed. Little Jenny is taken away by police holding her little doll, we see the black government car, that I write I am put in (in Camp, the <sup>police</sup> car) I never see my family again for over 20 years until we are reunited (See Exhibit A Newsarticle) In 1997 Queen Elizabeth invited me to England. and again, made me founding member of The American Air Museum In Great Britain. Defendants copied my works, embellished and deviated my works. There is substantial likeness.

### III. Conclusion

For the foregoing reasons, Plaintiffs respectfully request that the court sustain all the above objections to Defendant's judicial notice, take judicial notice only of the matters stated above, strike the Declaration of Puneet V. Kakkar and refuse to consider any of the extraneous materials outside the four corners of the complaint. We attest and declare to the facts, that the above facts is true under penalty of perjury.

Dated: November 28, 2012, 11-28-12

By Priyess Samantha Kennedy  
and Adam Elytan Elrich  
Plaintiffs in Pro Se

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## Exhibits

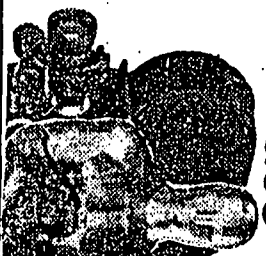
1. Man on Bench, News articles,  
NBC Letter . . . . . A
2. June 22, 1995 claim,  
order granting IN Forma Pauperis,  
Defendant's request of documents,  
Supreme Court Filing . . . . . B



**From Boys  
Indiana Easily  
NCAA Finals**  
Sports

**A Waltz Across Tennessee**  
*Travel, From Gatlinburg Peaks  
To Memphis' Mississippi Mud*  
Panorama

**The Envelope, If You Please**  
*Academy Awards of the Past,  
Tally Sheet for Tuesday Gala*  
Showcase



# THE TENNESSEAN

NEWSPAPER NASHVILLE, TENN., SUNDAY, MARCH 29, 1981

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## Lingered With 'Fear' Lost Parents Found

By ED GREGORY

Teresa Tibbs has had emo-  
tions about her reunion with her  
from today with parents who gave  
her up for adoption 21 years ago.

"I just talked to them over the  
phone, again and it was great. I  
can't wait to see them," she said  
yesterday.

**BUT ON FRIDAY** she said: "I'm  
afraid to face them. I was the only

one of five children who was given  
up for adoption and when I was  
growing up, people told me bad  
things about them and I felt like I  
had been abandoned."

Teresa, born Theresa Kate  
Glenn, is now 23, divorced and an  
aspiring singer. She remembers  
nothing of the day in 1959 when  
Gilbert and Lorine Glenn's three  
sons and two daughters were  
placed in foster homes.

As she talks of the upcoming re-  
union, her expressive face mirrors  
her emotions.



## Sister and Brother Reunited After 21 Years

**WINCHESTER, Tenn.** — Teresa Tibbs relaxes with her brother, Jim Glenn, during their first meeting since she was given up for adoption 21 years ago. Glenn spent two years searching for his "baby sister."

"I HAVE BEEN waiting for Teresa for a  
couple of years," Jim Glenn wrote. "If you have  
told her about her brother, I would like to

TERESA SAID SHE understands her adop-  
tion. "I was given up for adoption 21 years ago. Glenn spent two  
years searching for his 'baby sister.'"

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NASHVILLE, TENN., SUNDAY, MARCH 29, 1981

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15 Sections — 1981 Pa



# THE TENNESSEAN

 Index  
on  
2-A

## Play Tinged With 'Fear' As Long-Lost Parents Reunite

By ED GREGORY

Note: They misspelled  
my last name which  
was my first name

S. Kennedy  
5-7-94

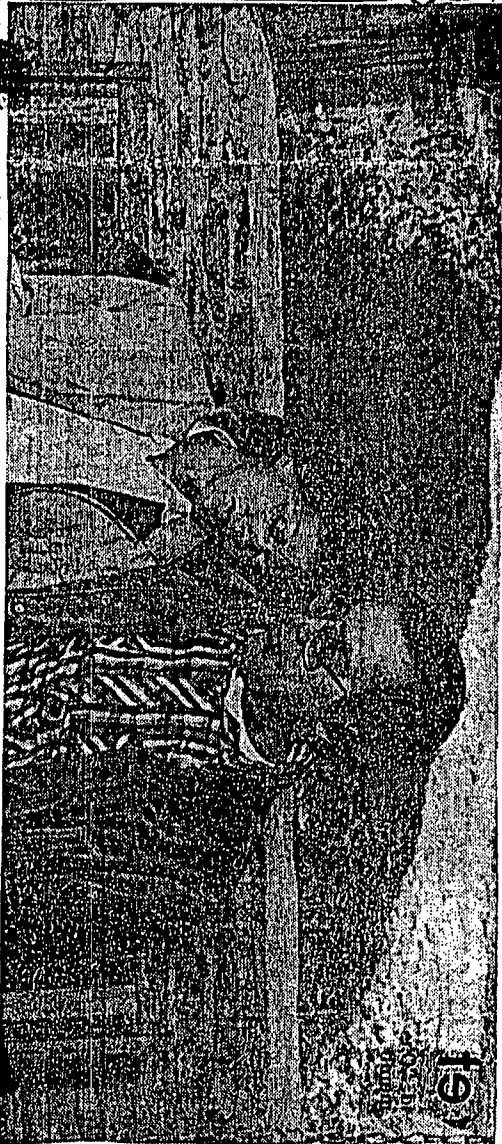
Teresa Tibbs has no-  
tions about her reunion with  
from today with parents who gave  
her up for adoption 21 years ago.  
"I just talked to them over the  
phone again and it was great. I  
can't wait to see them," she said  
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BUT ON FRIDAY she said, "I'm  
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Glenn, is now 23, divorced and an  
aspiring singer. She remembers  
nothing of the day in 1959 when  
Gilbert and Lorine Glenn's three  
sons and two daughters were  
placed in foster homes.

As she talks of the upcoming re-  
union, her expressive face mirrors  
anxiety that fluctuates from joyous  
expectation to nervous apprehen-  
sion. It also shows the anger she  
feels at the trick of fate that re-  
united her three brothers and sis-  
ter with each other and their par-  
ents 10 years ago while she re-  
mained separated from them all.

"I WAS THE youngest and was  
adopted a year after they split us  
all up," she said. "But my three  
brothers and my sister were in fos-  
ter homes all that time and when  
the time came, it was in 1970, they  
were able to all get together  
again."  
"I know all along that I had



## Sister and Brother Reunited After 21 Years

WINCHESTER, Tenn. — Teresa Tibbs relaxes with her brother, Jim Glenn, during their first meeting since she was given up for adoption 21 years ago. Glenn spent two years searching for his "baby sister."

"I HAVE BEEN looking for Teresa for a  
couple of years," Jim Glenn told  
her about a year ago. "If you have  
met her. If not, I don't bother but I  
would like to know how she is doing [and] I  
would like a recent picture..."

"I have been praying that someday I would  
find my baby sister. I hope this is not another  
disappointment."

The reply arrived six days after he mailed  
his letter and included a short note from  
Jeffers and an emotional letter from his "baby  
sister," now a grown woman with a child of her  
own.

"For so many years I've been wondering  
where all of you were," she began. "I've been  
longing, and praying for this to happen for

TERESA SAID SHE understands her adop-  
tive parents more as a result of the reunion  
with her natural family.

"I've always been close in spirit with my nat-  
ural family, even though I never knew them.  
But I understand and cherish more now the  
love between me and my adoptive parents,"  
she said, adding:

"I don't know what I'm going to say to any  
natural parents when I see them or what the  
reunion will be like. I'm confused about it all,  
but it sure beats not knowing."

THE EMOTIONAL confusion has been multi-  
plied, she said, by the fact that she recently cut  
her first record and is trying to launch a sing-  
ing career.  
She is singing under the name Terri Glenn,  
and the first song, for Electro Life Records, is



Case 3:12-cv-00372-WCH-WMC Document 31 Filed 11/30/12 Page 27 of 62

feels at the trick of fate that united her three brothers and sister with each other and their parents 10 years ago while she remained separated from them all.

"I WAS THE youngest and was adopted a year after they split us all up," she said. "But my three brothers and my sister were in foster homes all that time and when the time came, it was in 1970, they were able to all get together again."

"I knew all along that I had brothers and sisters. I just didn't know how many and where," she said.

Growing up in and around Winchester, Tenn., not knowing she was just a few hours' drive from her lost kin, Teresa was haunted by vague memories of two of her siblings, twins Jim and Janet.

WHEN GILBERT and Lorine Glenn's five children were placed in custody of the state in 1959, Teresa and the twins, three years older than she, shared their first foster home.

"I remember sitting by a big picture window when I was about 2 years old, watching Jim and Janet go off to school in the mornings and waiting for them to come home in the afternoons," she recalled. "Then we were separated. I was adopted and never saw them again."

"Whenever I feel sad or lonely, I would think about the picture

(Turn to Page 14, Column 1)

## Joyful ~~and~~ Afraid She Waits To See Long-Lost Parents

(Continued From Page One)

window and feel that someday, they would come back to me again."

THE REUNION with her brother Jim, who lives in Rockwood, Tenn., came earlier this year after he spent two years trying to unlock sealed adoption records. After running into a stone wall on the official inquiries, he came across his old grade-school teacher, Mrs. Flossie Cox.

Mrs. Cox, it seems, knew that Teresa had been adopted by Mr. and Mrs. O.B. Jeffers. Then it was learned that Mr. and Mrs. Jeffers had moved from Knoxville to Winchester.

Jim's first letter was addressed simply: "O.B. Jeffers, Winchester, Tenn."

would like a recent picture...

"I have been praying that someday I would find my baby sister. I hope this is not another disappointment."

The reply arrived six days after he mailed his letter and included a short note from Jeffers and an emotional letter from his "baby sister," now a grown woman with a child of her own.

"For so many years I've been wondering where all of you were," she began. "I've been longing and praying for this to happen for twenty long years..."

"YOU SEE, EVER since I could remember I've known that I was adopted. I always felt out of place and I didn't feel like I really had anybody. I'd always see people and wonder if they could be my brothers and sister..."

"I've been living in a dream world for years and now my dream has finally become a reality. I belong."

She wrote of her one clear memory, the picture window in that first foster home.

"You were my big brother and sister and both of you were very protective of me and I felt secure," she wrote. "It's when they took you away that I lost that security, and that insecurity has been with me all of my life. Now nothing is ever going to take you away from me again."

THAT FIRST exchange was followed by other letters and numerous telephone calls to her sister, Janet Glenn Treadway, who is married, has three children and lives in Cincinnati; her brother, Gilbert Glenn Jr., who lives in Boston, and her biological parents, who live in a Knoxville housing project.

Her eldest brother, Damon Glenn, is mentally retarded and lives with foster parents in Knoxville, Teresa said.

Teresa's father, whose often eloquent letters to the editor appear frequently in Knoxville-area newspapers, is homebound by arthritis. His letters to Jim and Teresa express love and seek understanding.

HE MAKES NO attempt to hide his bitterness over the events that tore his family apart. Hard times are blamed on the Air Force, from which he was forcibly discharged in 1954 because of a medical problem, and relatives who he says meddled in his marriage.

Those relatives, he says, are to blame for charges of neglect that resulted in the loss of his children.

"We were separated from our children on May 29, 1959, and were exonerated of the charge of neglect by the Knox County Grand Jury in January, 1960," the elder Glenn said.

He and his wife were unable to pick up the pieces immediately, he said, because by that time... [we] were two completely demoralized people who had been crushed."

real family, even though I never But I understand and cherish the love between me and my adoptive she said, adding:

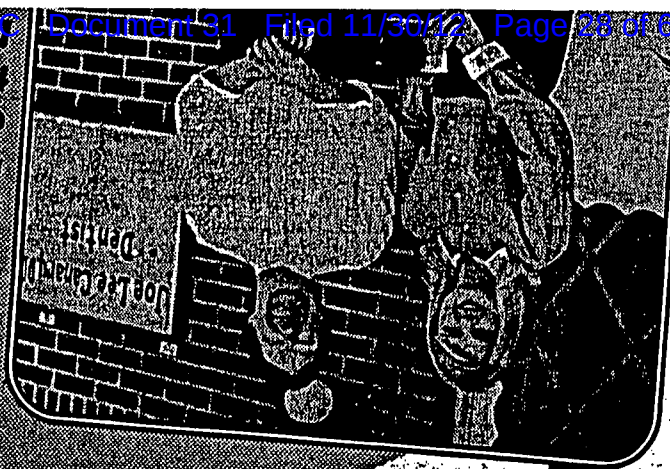
"I don't know what I'm going natural parents when I see their reunion will be like. I'm confused but it sure beats not knowing."

THE EMOTIONAL confusion hplied, she said, by the fact that she her first record and is trying to ing career.

She is singing under the name and the first song, for Electro Li titled Daddy.

→ 1955 mistake  
after 1954 - Whic  
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Waste amount  
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1950's. The N  
Committee 1st Hea  
2nd Hearing - Sena  
Committee in Whi  
was a member. Ton





Dr. Joe L. Canary, is happy to announce the addition of Dr. Angie Hill to his dental practice in

**Dr. Angie Hill**

**Welcome**

### Amount of Fluids

Two hours before exercising, drink two cups fluid. 10-15 minutes before, drink 2 1/2 cups. Every 15 minutes while exercising, drink 1/2 cup and after exercising, 2 cups for every pound lost.

### Hospice Plans Memorial Event

Hospice of the Highland Rim will hold a special community memorial service on Sunday, June 28 at 2 p.m. in the sanctuary of the First Christian Church, 120 W. Grand Street in Tullahoma. The public is invited to join with family and friends as the Hospice honors the memory of its patients. They have served as the Hospice's most valued friends.

Characters in Ms. Kennedy's book sat on a bus bench, not in the park, and they fished instead of catching shrimp. Ms. Kennedy filed a lawsuit in August 1994 against Paramount Pictures Corp., Viacom, Inc. and Blockbuster Video for copyright infringement. These corporations are making their wealth from the misery of others, people who are helpless and trail, said Ms. Kennedy. Last February, Judge ruled against Ms. Kennedy, but declared her will notwithstanding which, she filed for an appeal. She filed a brief last September to the U.S. Court of Appeals, but the judge upheld the lower court decision. I think I have a better chance in the Supreme Court, said Ms. Kennedy. I think I've presented enough information for it to go on. Paramount Pictures claims the character Forest Gump is based on a book by Winston Groom. However, Ms. Kennedy said, Groom's book is totally different from the movie. What's really wild in order for me to detect that someone stole my story, I put in a line from one of my previously published poems. That put up a red flag when it appeared in the screenplay.

A former Winchester resident has petitioned the U.S. Supreme Court to decide if she can take a Hollywood movie giant to court over scripts she believes were used to make the Academy Award-winning movie *Forest Gump*. Recently, Samantha Kennedy, 40, who now resides in San Diego, shipped 150 pounds of evidence special delivery to the Supreme Court in Washington, D.C. Ms. Kennedy claims a movie production company stole her unpublished scripts by changing characters around, but keeping the plot basically the same. As evidence, she listed 725 examples in which her scripts were used in the movie. She also noted more than 300 character comparisons she said were virtually identical and pointed out 100 plot similarities. Seven years ago, Ms. Kennedy began sending scripts to Hollywood agents and eventually copyrighted her material for a novel that was never published. The stories were serious scripts about mentally challenged people. One of her characters became a national hero, and another wore a plaid shirt to school every day and carried a sack lunch. After viewing *Forest Gump* in 1994, Ms. Kennedy said she immediately knew the material was hers. She said some scenes were changed a little to mask plagiarism.

### Is Suing Company



# Samstag

posed to make it easier for people

thoughts and ideas to each other. If flames in our brains and cavities are flame-sized chunks of information, they showed, and diverse cognitive

though sometimes the plot is a little thin, it's enough to lead to a gripping, how-did-you-guess ending. It's a shame that the book is

minutes before it cooks. (m)

Said to be for a mean, intelligent (and witty) in the brain is

canon of gradations of male high school athletic size

For these are levels of maturity for which the child has not yet attained the necessary level of maturity for

main audiences, there must continue to be a focus on the young audiences and perhaps even on the

What's: What language can add

changing around to help some

**Promote Shown** "Human's reach  
isn't always there," says America's even i

gray with orange. This gradation  
age and condition, not emotion.

# My rule changes

Senator Steve Pearce

312 **2.1.2** **Speaker of the Assembly** **312**  
 313 **2.1.3** **Members of the Assembly** **313**  
 314 **2.1.4** **Chairman of the Assembly** **314**  
 315 **2.1.5** **Members of the Executive Council** **315**  
 316 **2.1.6** **Members of the Legislative Council** **316**  
 317 **2.1.7** **Members of the Judiciary** **317**  
 318 **2.1.8** **Members of the Public Service Commission** **318**  
 319 **2.1.9** **Members of the Electoral Commission** **319**  
 320 **2.1.10** **Members of the Anti-Corruption Commission** **320**  
 321 **2.1.11** **Members of the Human Rights Commission** **321**  
 322 **2.1.12** **Members of the National Commission on Human Rights** **322**  
 323 **2.1.13** **Members of the National Commission on the Status of Women** **323**  
 324 **2.1.14** **Members of the National Commission on the Status of Children** **324**  
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 329 **2.1.19** **Members of the National Commission on the Status of the Media** **329**  
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 331 **2.1.21** **Members of the National Commission on the Status of the Sports and Recreation** **331**  
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 397 **2.1.87** **Members of the National Commission on the Status of the Education and Training** **397**  
 398 **2.1.88** **Members of the National Commission on the Status of the Science and Technology** **398**  
 399 **2**

## Case 2: exercise to move toward bipartisan ship

embed-pure unadulterated partisan  
 incremental process. It is a system b

the spoils and perks of power at the government.

Consumer proposes the existence of all-male two-part

## Orsophistication:

It usually means that there is *something* to be

harsh and mature. An audience of seniors, mature and

degrees on the Rating. That rating usually means an abundance of sex violence, or what gets referred to

subject where plastering a "mature audience" ratings plaque is an implied, if not an explicit, goal. *Profanity and Violence* usually don't

raise as many objections. And even though sex may indeed be on the mind of mature seniors, they may

Another area where the classification of "mature" screen in a movie theater.

audience" comes into play is in the video game arcade. Some of the games are made to be so

those who are "mauve." It's amazing how butchery and surgery fall into the province of being "unac-

ceptable to all but the "mature" (as strange, but that's how they rate them).

communicate. I guess if we're mature enough about it, we can make it work.

There's something else about language that I want to discuss. What it is is...

**are bad government**

dramatically increases the power of partisan politics leaders as well as those at the extreme of the political

cal spectrum. In essence, the new rules create a

shift are moderates and others in both parties, who put a priority on problem solving and citizen involvement to work the issues more effectively to work

History will ultimately judge these rules to be what they are, the institutionalization of partisan gridlock.

Too bad. The close numbers in the power houses presented a wonderful opportunity for me to present the exact opposite of what the public is seeking.

tion between individuals who have been elected to

3:15 p.m. in the La Mesa Community Center, 4975 Memorial Dr.  
For further information, call 466-3110.

# East County authors honored



Among the 13 East County authors with works on display at the downtown Central Library are (left to right) Peter Neumeyer, Melvin Hasman and Steven Saint of La Mesa, Samantha Kennedy of Spring Valley, Marlene Holloway of La Mesa and Tom Youngholm of Lemon Grove.

The San Diego Public Library opened its 29th annual Local Authors Exhibit last Friday with a reception honoring county residents with published works in 1994.

\*The following East County authors were given medallions at the reception and will have their books on display throughout February in the main lobby of the downtown Central Library:

El Cajon - Sharon Ille, "The Law and Miss Penny" and "Marrying Miss Shylo"; Francine Phillips, "San Diego" (with Roger Warren); Michael Posey, "Reflections on the Wall"; and Thomas Stuch, "Family Literacy: A World Movement"

La Mesa - Melvin Hasman, "Spiritual Life in the Good Ol' USA"  
Marlene Holloway, "The Wedding Workbook"; Betty Lou Johnson  
Reflections: Stories Spanning a Century" (editor), Ken Kuhlken, "The  
Angel Gang"; Peter Neumeier, "The Annotated Charlotte's Web"; and  
Steven Saint, "Rules for Reaching Consensus" (with James Lawson)  
Elmton Grove - William Flores, "Domestic violence in Suburban San  
Diego" (with Norman Store), and Tofu Youngholm, "The Celestial Bar  
A Spiritual Journey"

Sanctee - Dave Murray, "Pipe Dreams" (with Charles Cioffi)  
Spring Valley - Samantha Kennedy, "Give Me Wings" (poem in  
Treasured Poems of America, Fall 1994)

For further information on the Local Authors Exhibit, contact Nora Brooks at 236-5825.



## Jonets Win



Michael  
Boone picked  
out of 300  
people to film  
with him

Y Kennedy  
won election

## ATV Theft Ring Cracked, Suspect Sought

### Some Vehicles Sold To Area Businesses

By Wayne Thomas  
Staff Writer

A north Franklin County man is facing multiple charges in several counties in connection with the theft of nearly a dozen ATVs

from residences since early last spring.

Phillip Tigue, 49, of Pleasant Grove Road in Estill Springs, is being held in the Moore County Jail under \$175,000 bond. While Tigue is being held in connection with the theft of the four-wheelers, authorities are searching for a second person, a white male they have

warrants on. According to Franklin County Sheriff Tim Fuller and Moore County Sheriff Mark Logan, Tigue "turned himself in" to the Franklin County Sheriff's Department last week in connection with the case and then Logan picked him up took him to Moore County. Authorities from Franklin, Moore,

Bedford and Coffee counties continued to receive descriptions of the people involved but they kept receiving different names of individuals involved in the theft of ATVs.

According to an investigator for the Bedford County Sheriff's Department, the break in the case that led to the arrest of Tigue came

from Fuller, Logan and Sheriff's Capt. Danny Warren and Brian Bre went to the last-known residence of Tigue and spoke with his wife who provided some information.

The officers then used a photo from a previous jail booking to show to

See ATV, Pg. 6A

## Riva Lake Celebrates Christ...



## Added-Value Scores Play Prominent Testing Role

Administrators, Teachers Prep For TCAP Exams

By Davis L. Sons  
Publisher

out the TCAP Achievement Scores, but did not mention the Value Added Scores, which according to school officials is a very important part of the testing. Value-Added measure

It's not even Christmas



SEE PAGE B7  
Rooney picked  
me out of 300  
lifestyles people to film  
with him  
Lady Kennedy  
this article I won election



## Riva Lake Celebrates Christ...



ANGELS AT THE TOMB—Mellisa Hill and Jesse Clark portrayed angels at the tomb at Riva Lake Baptist's live Nativity display held recently.

# Added-va Scores P Prominen Testing R

Administrators,  
Teachers Prep  
For TCAP Exams

By Davis L. Sons  
Publisher

It's not even Christmas yet, but Franklin County's elementary and middle schools' principals and teachers are preparing for spring, which brings about another season of achievement testing.

In a recent article in this publication, we reported on the 2006 Report Card for Kindergarten through eighth grade students. The article specifically pointed

out Achievement did not meet Added according to Value a student ic growth one sch next, and to deter progress from one the next. A grade ticular su the schoo the state's See PLA

# Christmas F



Professional window washer Jesse McClure clings to his rope as he cleans a window on the 21st floor of the Republic Centre building on Chestnut Street. With only about 1,000 more windows to go, Mr. McClure says it's all in a day's work. "People are always telling me I'm crazy," he said. "It don't bother me. If you can climb a ladder and paint, you can do this." Mr. McClure works for Service Clean.

*Cop might be sued*

# Tennessee Native Takes Paramount to Court

BY BEENE A. HYATT

Samantha Kennedy said she's neither wealthy nor powerful, but the Winchester, Tenn., native has recently shown one of Hollywood's biggest moviemakers that size doesn't matter in the courtroom.

Recent developments in a pending copyright lawsuit have swung things in her favor. Mrs. Kennedy is suing Paramount Pictures Corp., Viacom Inc. and Blockbuster.

Video for copyright infringement. The San Diego, Calif., resident claims the 1994 Academy Award-winning movie "Forrest Gump" was based upon her unpublished scripts. Characters were changed around, but the plot was basically the same as her stories, according to Mrs. Kennedy. And some scenes were changed to mask plagiarism, she said. "They were my diaries and biographies and they made a parody out of it," said Mrs. Kennedy. "It's illegal to take someone's private property."

vate, unpublished books or diaries. Paramount Pictures claims the character of Forrest Gump is based on a book by Winston Groom, but Mrs. Kennedy said Groom's book is totally different from the movie. The screenplay is more similar to her scripts than Groom's book, she said.

In February 1997, a judge ruled against Mrs. Kennedy, but declared her lawsuit was not frivolous, opening the door for an appeal. However, the appeals

court judge upheld the lower court's decision in September 1997. But hope was reinstated earlier this year when the lower court found inconsistencies in the defendants' story. As a result, Mrs. Kennedy can file a motion and possibly force a jury trial.

According to Mrs. Kennedy, one of those inconsistencies was a question about prior knowledge the defendants had about the plaintiff. According to Mrs. Kennedy, See LAWSUIT Page B3



Gov. Roy Barnes

# Dalton College Seeking \$500,000

BY SEAN CAVANAGH

ATLANTA — Georgia lawmakers could send Dalton State College \$500,000 as a reward for the combined fund-raising efforts of the higher education institution and the city's carpet community.

The money would be sent to the college through the eminent scholar trust fund, a program that pays for academic experts to join the faculty of a college.

The funding recommendation

is just one of the items that made it into Gov. Roy Barnes' first budget, which will be refined and modified by state lawmakers before it passes goes into effect July 1.

The two-year college became eligible for the state funding after the business community and others in Dalton raised \$500,000 to match the state money.

Those teaching under the eminent scholars program can serve as important recruiting tools for

colleges seeking to lure students interested in a particular field, officials said.

Dalton State will seek to hire an expert on management, who could help link academic ideas with issues facing the city's carpet industry, said Dalton State College President Jim Burran.

"We'll go out and recruit the most accomplished scholar in the field," Mr. Burran said. "We're delighted to be included."

See BARNES Page B3

# Bradley Man Hurt as Truck Hit by Train



Case 3:12-cv-00372-WCH-MMC Document 31 Filed 11/30/12 Page 32 of 63

New Magnet To Be at

BY LANA MIDDLETON  
Staff Writer

Despite a four-day much-awaited Hamilton magnet school should be at all 81 sc



revenue and other ex-  
eight cases.

## nance

le effort given by a  
ber of people over a  
eriod to produce it.

urged the council not  
major changes, while  
hat periodic reviews,  
ne presently being  
e, a good thing.

mittee also approved a  
pay for expenses the  
will incur, but no  
as set. That decision,  
will be made at future

force will be divided  
ctions; a small group of  
ven who work more  
h signs will receive and  
suggestions that will  
the other members.  
ouncil will have the fi-  
to what changes, if any,  
ade.

members were given  
which each will recom-  
ber of the task force.

the members will be  
W. Kelly, a member of  
legal staff who has been  
more than a year on  
Sign Appeals Board.

8676. There is a description  
of the magnet schools on the  
schools website: [www.HCDE.org/magnet](http://www.HCDE.org/magnet).

## Lawsuit

## New Life

• Continued from Page B1

Kennedy, the defendants claimed  
they didn't know her.

But Mrs. Kennedy moved to  
California in 1987 and studied  
briefly with Paramount Pictures.  
She even got several small acting  
roles.

"What they were trying to do is  
make it look like I didn't exist,"  
said Mrs. Kennedy.

Last year, Mrs. Kennedy  
shipped more than 150 pounds of  
evidence special delivery to the  
Supreme Court in Washington,  
D.C. As evidence, she listed 725  
examples of her scripts that were  
used in the movie, and found  
more than 300 character compar-  
isons that were virtually identical  
to hers. She also noted 100 plot  
similarities.

PLAY IT AGAIN  
**SPORTS**

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Resolutions  
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855-4672





**Brian Williams**  
Anchor/Managing Editor  
The News with Brian Williams

**Brian Williams**  
Anchor  
NBC Nightly News/Saturday

June 4, 1999

Ms. Samantha Kennedy  
551 Fredricks Avenue, #301  
Oceanside, CA 92054

Dear Ms. Kennedy,

I have wanted for some time now to write you and tell you how much I sympathize with your plight. I also want to reassure you that I am indeed reading what you are sending (albeit voluminous and tedious at times) and I can see your dilemma and the source of your worry for so long now.

While I have nothing but sympathy for your case and admiration for your dedication to clearing your good name and work, I should also warn you that it may be very difficult and very unlikely that I could do something on the air, here where I work, in relation to your case. I'd suggest that you divert any future mails that you *might* have sent to me: and send them to an investigative producer/or any correspondent who's work you might have admired on any one of the "magazine" style shows, like Dateline, 20/20 or 60 Minutes.

Normally, they have the experience, the time and the ability to take on a long and complex story like yours. I'm what we in the industry call a "day of air" journalist, writing and delivering reports on the news happening *that day, for that night's broadcast*. We seldom do long segments, opting instead to do *many smaller reports* on ongoing stories currently in the news.

Again: this is not meant to say, pro or con, on the *merits of your case*. Rather, you seem as if you could really benefit from media coverage, and that, I believe, will be most apt to come in the form of a magazine show.

I wish you only the best as your wrestle with the law and all external forces locked in this battle with you.

Sincerely,



2-A

Thursday, Oct. 6, 1997

Rebels in Shootout.....5-A

# HERALD-CHRONICLE

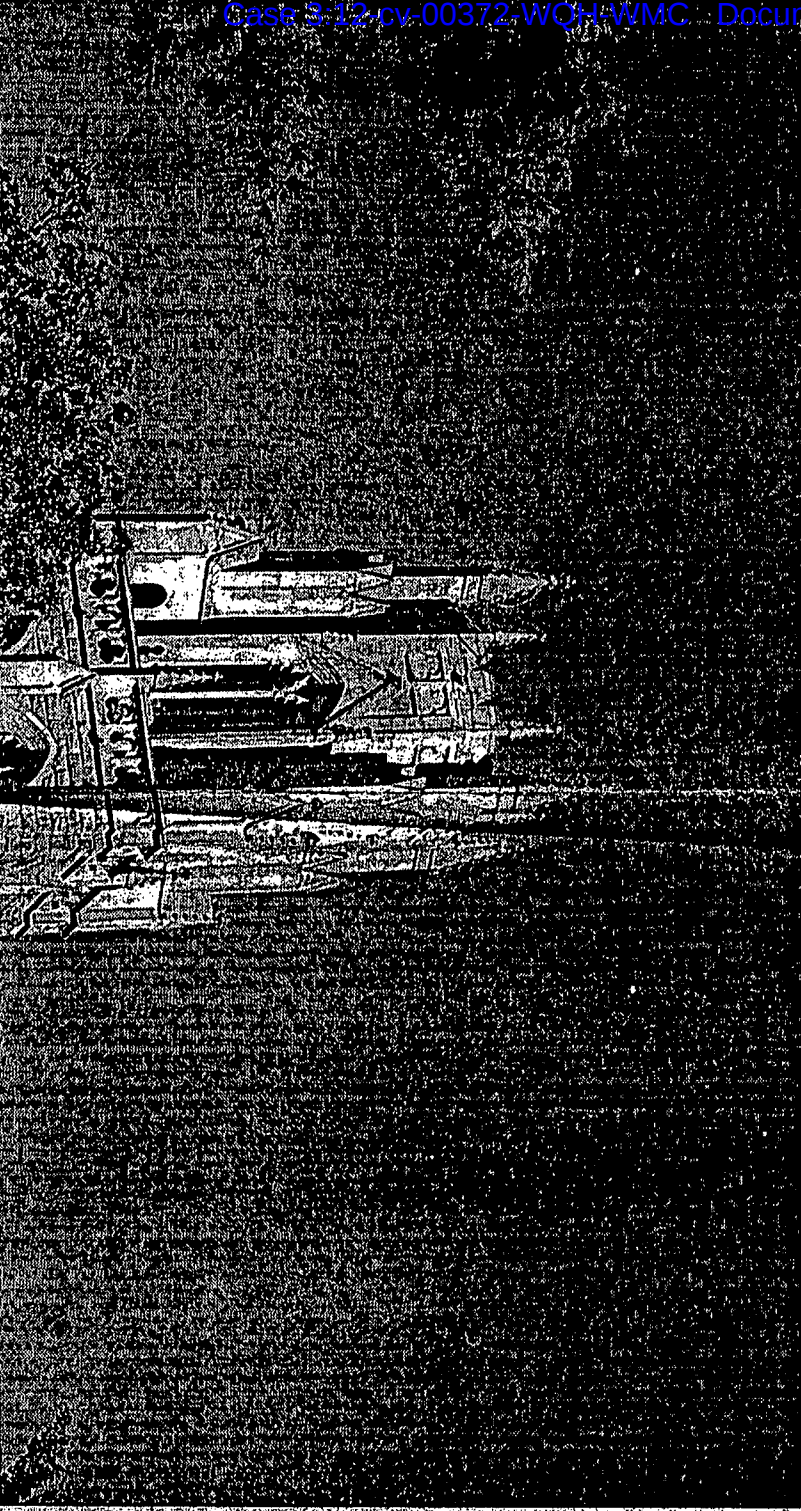
A consolidation of the Winchester Chronicle and the Winchester Herald-Times

©1997 Franklin County Publishing Co., Inc.

Winchester, Tennessee 37398

50 Cents

University Host Parents Weekend...



## Broadview Portables Are Safe Manufacturer Claims Height Concerns Fixed

John Hatchett  
Staff Writer

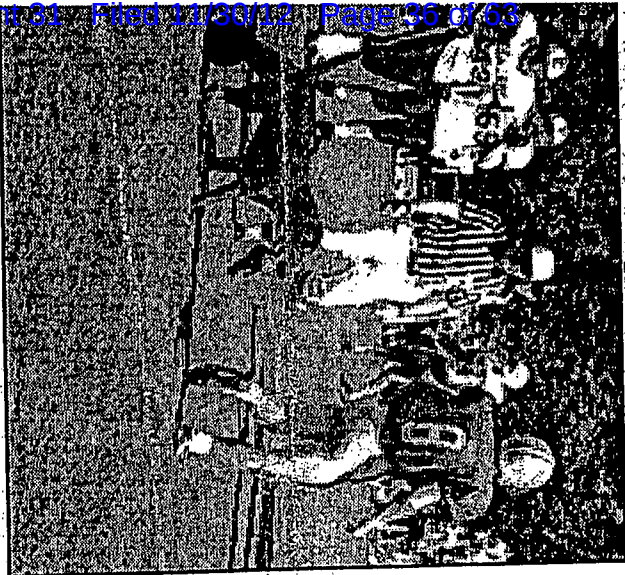
Despite community concerns about the height of portables at Broadview Elementary, officials say that they are more than safe.

Both local officials at the school board and those at Acton Mobile Industries have said that the height portables are at doesn't really matter.

"As long as the supports are joined together there shouldn't be a problem," Mike Haley, regional sales manager at Acton, said. "It only becomes a concern when blocks are simply stacked."

"He went on to say that unless





**SEWANEE WELCOMES PARENTS—**Officials at the University of the South held their annual Parents Weekend celebration this week. Shepard Tower, one of the school's most recognizable symbols, saw an overflow crowd on campus. Saturday's football game with Centre College was

interrupted by a wandering dog and at halftime former Swannee scholar-athlete Dr. W. Reed Bell accepted a football jersey and a plaque from Vice-Chancellor Sam Williams.

—H-C Photos by Jan-Michael Tavalin and Davis L. Sons

Danny Brown, the portables at Broadview are extremely safe, as they have been in contact with the Tennessee Fire Marshall throughout the process.

"We have gone above and beyond on the supports for the portables out there," he said. "From what I'm told they should be stable in any kind of wind storm that we might have."

The concerns in the community were that the structure is located on supports that are about ten feet tall, one resident called it a scary site for any parent.

Hayley said that there is no reason to worry about the height itself.

"The height of the supports really shouldn't be an issue," he said. "If the supports are constructed right you could put the building on stilts."

The portable itself is considered a modular building, which Acton constructs according to the Southern Building Code.

According to Hayley, the building is rated to take up to 100 mile per hour winds. He also said that the

See UNTS, Pg. 2-A

# Forrest Gump' Her Story; Appeals Suit

Former Countian  
died Paramount  
udio, Others

Charles Sons

ublisher

A former Winchester woman, (Teresa) Kennedy, a daughter of Mrs. O. J. Jeffers, is ending her days in San Diego, California, taking on Paramount Pictures Corp., Viacom, Inc. and Lockbuster Video, Inc. Kennedy claims that the

movie Forrest Gump and the book of the same name are not remotely related, but that many of the movies characters are based on works of hers that have been submitted over the years to Hollywood studios.

"In her original suit she listed over 300 character similarities, over 100 side-by-side plot comparisons between the motion picture and her work. But the judge still ruled against her and following her father's death here in Franklin County, she returned to California and filed a brief on Sept. 11 to the United States

Court of Appeals, Ninth Circuit. From the brief she expects another hearing and a decision should be forthcoming in May or June.

Even though she lost the suit, it was termed non-frivolous, allowing Kennedy to say "we've really got something here."

The book Forrest Gump, written by Winston Groom, appears to be quite different from the motion picture, in her brief comparing the book with her similarities, she wrote, "Forrest never graduates. He fishes with an orangutan. Forrest in the Groom book

wrestles with midgees wearing diapers. He rockets up in a spaceship and lands in what they think is the island of Borneo with headhunters and stewing pots and the book proceeds to make racist remarks about African-Americans. The book is very racist where mine is filled with civil rights and human compassion and tolerance.

"Forrest never marries Jenny. She marries someone else and she never gets a virus and dies. Mama never dies, she runs off with a man and Forrest in this book is a failure and Grooms

depicts the special needs person as a moron or an idiot and we never see Forrest sitting on a bench with a variety of characters nor does he offer a box of chocolates...he does not have an African-American friend named Bubba where they ride together to the base or say 'We're not relation.' But the movie does make a racist remark about Bubba was born with big guns. We don't see the same famous characters or the same famous historical events."

Ms. Kennedy noted that the

See SUIT, Pg. 12-A



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# Suit

(Starts on Pg. 1-A)

lawsuit was filed by her in 1995  
after she could not find an  
attorney who would handle the  
suit on a contingency. "It makes  
it hard for the little guy to go up  
against this very corrupt  
Hollywood. They are getting  
away with murder and we are  
earning over 90 percent of these  
popular movies are stolen. Even  
this studio I am suing adds snu  
and vulgarity to my work and  
depicts my female characters as  
drug addicts, prostitutes and  
they kill off one character with a  
virus. I did write that we need  
more funding for AIDS  
research, instead they give my

## Free Knee and Hip Seminar

- Swelling?
- Arthritis?
- Injury?
- Stiffness?

Isn't it time you found out what you can do about  
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Answers about your knee or hip pain are as  
close as our free seminar. Learn one-on-one  
about causes of your problem and the latest  
treatments, plus tips about medicines, foods  
and exercises. Straight talk from us can be the  
first step on your road to recovery.

Thursday, October 9  
10:00 a.m. and 2:00 p.m.

### MA CO

character a virus and kill her  
off.

It is a corrupt business that  
has gotten bigger than the  
government. The defendants  
have yet to prove that the  
motion picture Forrest Gump is  
remotely similar to the Winston  
Groom book. Even in a  
newspaper interview, Mr. Groom  
admits the motion picture is a lot  
different. Mrs. Kennedy noted,  
"I talked to one of the  
attorneys a couple months ago  
after he had dropped out of the  
case. All he could say was 'It's a  
mess, it's a real mess.' Ms.  
Kennedy said



JS 44  
(Rev. 07/89)

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I (a) PLAINTIFFS

SAMANTHA KENNEDY

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF San Diego  
(EXCEPT IN U.S. PLAINTIFF CASES)

## DEFENDANTS

PARAMOUNT PICTURES, VIACOM  
BLOCKBUSTER  
CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
BY

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Los Angeles  
(IN U.S. PLAINTIFF CASES ONLY)  
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

## (c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

SAMANTHA KENNEDY  
P.O. BOX 90726  
SAN DIEGO, CALIFORNIA 92169  
(619)272-8971

## ATTORNEYS (IF KNOWN)

Jay Rakow (Paramount Pictures)  
Administrative Building  
Room 9  
555 Melrose Ave.  
Los Angeles, Ca. 90038

## II. BASIS OF JURISDICTION

(PLACE AN X IN ONE BOX ONLY)

- ☒ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☐ 3 Federal Question (U.S. Government Not a Party)  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES

(PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- PTF DEF  
Citizen of This State ☒ 1 ☐ 1  
Citizen of Another State ☐ 2 ☐ 2  
Citizen or Subject of a Foreign Country ☐ 3 ☐ 3  
Incorporated or Principal Place of Business in This State ☐ 4 ☒ 4  
Incorporated and Principal Place of Business in Another State ☐ 5 ☐ 5  
Foreign Nation ☐ 6 ☐ 6

## IV. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

820 COPYRIGHTS

DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY Defendants' unauthorized use of plaintiff's creative copyrighted works in their movie, "Forrest Gump."

## V. NATURE OF SUIT

(PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R R & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input checked="" type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	

## VI. ORIGIN

(PLACE AN X IN ONE BOX ONLY)

- ☒ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from another district (specify)  
☐ 6 Multidistrict Litigation  
☐ 7 Appeal to District Judge from Magistrate Judgment

## VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION  
☐ UNDER F.R.C.P. 23

DEMAND \$

Check YES only if demanded in complaint:  
JURY DEMAND: ☐ YES ☐ NO

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

6-22-95

Samantha Kennedy

UNITED STATES DISTRICT COURT

COPY

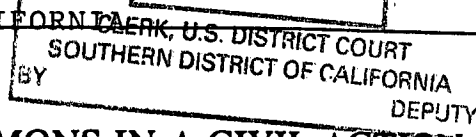
AO 440 (Rev. 5/85) Summons in a Civil Action

# United States District Court

SOUTHERN

DISTRICT OF

CALIFORNIA



SAMANTHA KENNEDY

SUMMONS IN A CIVIL ACTION

V.

CASE NUMBER:

PARAMOUNT PICTURES  
VIACOM, BLOCKBUSTER

TO: (Name and Address of Defendant)

PARAMOUNT PICTURES  
JAY RAKOW, ATTORNEY  
ADMINISTRATIVE BUILDING  
ROOM 9  
555 MELROSE AVE.  
LOS ANGELES, CALIFORNIA 90038

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

SAMANTHA KENNEDY  
P.O. BOX 90726  
SAN DIEGO, CALIFORNIA 92169

an answer to the complaint which is herewith served upon you, within \_\_\_\_\_ days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

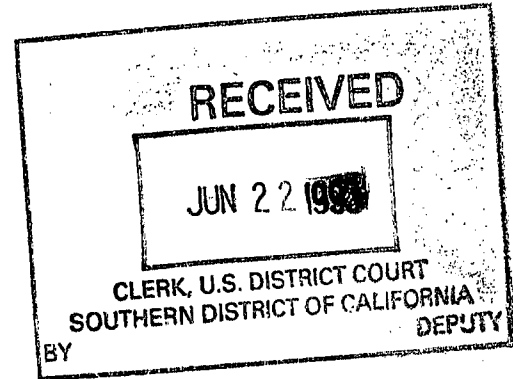
CLERK

DATE

BY DEPUTY CLERK

copy

SAMANTHA KENNEDY  
P.O. BOX 90726  
SAN DIEGO, CALIFORNIA 92169  
(619)272-8971



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

SAMANTHA KENNEDY )  
 )  
Plaintiff, )  
 )  
-v- )  
 )  
PARAMOUNT PICTURES, VIACOM )  
BLOCKBUSTER )  
 )  
Defendants )  
 )  
 )  
 )

CASE NO. \_\_\_\_\_

COMPLAINT FOR UNAUTHORIZED  
USE OF PLAINTIFF'S COPYRIGHTED  
WORKS IN THEIR MOVIE  
FORREST GUMP

Plaintiff alleges: Defendants' willful copyright infringement and unauthorized use of Plaintiff's copyrighted works in Defendants' movie called Forrest Gump.

Plaintiff requests the court to award damages to Plaintiff from Defendants and everyone liable for such damages involved in the unauthorized activity who have been employed by Defendants and actively involved in the infringement.

Since the infringement is still going on, Plaintiff requests from the court to be awarded and compensated for all damages, to be compensated for all United States domestic sales, all Foreign sales, all video sales, domestic and foreign from the infringing works, Forrest Gump and its profits and exploitation.

Plaintiff requests that the court not to remove the lawsuit from its original District for she has two disabled children, one who is autistic and such separation from her children would create great distress and hardship for the children as well as for the Plaintiff who is the children's primary provider and caretaker.

copy

1 Plaintiff requests the court to order the Defendants to pay  
2 Plaintiff's attorney fees and other costs of the court.

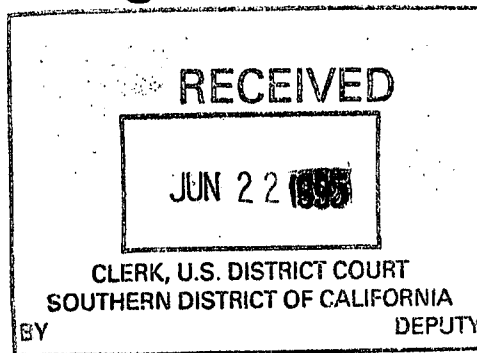
3 Plaintiff requests the court to order the infringing  
4 activity to be halted.

5 Plaintiff requests the court to order that the infringing  
6 material be impounded and destroyed.

7 Plaintiff requests that during the course of this  
8 lawsuit that she may be able to request a jury trial  
9 and if Defendants are found guilty, Plaintiff request  
10 that punitive action be applied.

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SAMANTHA KENNEDY  
P.O. BOX 90726  
SAN DIEGO, CALIFORNIA 92169  
(619)272-8971



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

SAMANTHA KENNEDY  
Plaintiff,  
-v-  
PARAMOUNT PICTURES,  
VIACOM, BLOCKBUSTER  
Defendants

CIVIL NO. \_\_\_\_\_  
MOTION FOR LEAVE TO  
PROCEED IN FORMA PAUPERIS

Plaintiff,  
hereby requests leave, pursuant to 28 U.S.C. 1915 and 42 U.S.C.  
2000e - 5(f) (1), to proceed in this case in forma pauperis.  
The attached Declaration is offered in support of this  
motion.

Respectfully submitted this 22 day of June.  
1995.

*Samantha Kennedy*  
SAMANTHA KENNEDY



copy

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

Plaintiff(s),  
SAMANTHA KENNEDY  
v.  
PARAMOUNT PICTURES,  
VIACOM, BLOCKBUSTER

DECLARATION UNDER  
PENALTY OF PERJURY IN  
SUPPORT OF REQUEST TO  
PROCEED IN FORMA PAUPERIS

Defendant(s).

I, SAMANTHA KENNEDY, declare that I am the petitioner/plaintiff in the above-entitled action. I request leave to proceed in this action without being required to prepay the full amount of fees, cost, or give security. I state that because of my poverty, I am unable to pay the costs of this action or give security, and that I believe I am entitled to relief.

In support of this application, I provide the following information:

1. Are you presently employed? YES x NO       
  - a. If the answer is yes, give the name and address of your employer.  
IHSS/STATE OF CALIFORNIA DEPT. OF SOCIAL SERVICES  
1261 3rd Ave., Chula Vista, Ca. 91911  
\* Worked a one time only job as an extra on the  
movie sets of Elizabeth Montgomery and one time job  
as extra for Chuck Norris in "Top Dog" in 1994
  - b. Salary or wages per month for the last twelve months:  
GROSS: \$782.00 NET: \$758.00  
This amount is for IHSS/Dept. of Social Services
2. During the past twelve months, have you received any money from the following sources?
  - a. Business, profession, or self-employment? YES        NO x
  - b. Rent payments, royalties, interest or dividends? YES        NO x
  - c. Pensions, annuities, or life insurance? YES        NO x
  - d. Social Security, disability or other welfare? YES x NO
  - e. Gifts or inheritances? YES        NO x
  - f. Spousal support? YES        NO x
  - g. Child support? YES x NO

COPY

- h. Any other income sources (please specify)? \_\_\_\_\_  
\_\_\_\_\_
- i. If the answer to any of the above questions was "yes," how much did you receive from these sources? \_\_\_\_\_  
SSI FOR DISABLED SON- \$341.40 per month  
CHILD SUPPORT FOR TWO CHILDREN-total \$600.00 per month  
COURT ORDERED
3. If you are imprisoned, specify the last place of employment PRIOR to imprisonment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- a. My wages or salary per month at this LAST place of employment was: \_\_\_\_\_
- b. My other income prior to imprisonment included (income from stocks, bonds, royalties, pensions, real estate, etc.): \_\_\_\_\_  
\_\_\_\_\_
- c. Are you employed in prison? YES \_\_\_\_\_ NO \_\_\_\_\_
- d. If not employed in prison, explain the reasons why you are not employed. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. Are you married? YES \_\_\_\_\_ NO X DIVORCED MOTHER
- a. Spouse's full name: \_\_\_\_\_
- b. Spouse's place of employment: \_\_\_\_\_  
\_\_\_\_\_
- c. Spouse's monthly wages or salary: \_\_\_\_\_
- d. Amount you contribute to your spouse's or children's support pursuant to court order: \_\_\_\_\_  
\_\_\_\_\_
5. List the persons other than your spouse who are dependent upon you for support and their relationship to you: \_\_\_\_\_  
MICAH URICH AGE 12 SON  
ADAM URICH AGE 7 SON
6. Where do you live?
- a. Homeless \_\_\_\_\_ Institutionalized/in custody \_\_\_\_\_ Rent X
- b. If you rent, amount of monthly rent: \$675.00 total rent \*
- c. Do you own or are you buying a home? YES \_\_\_\_\_ NO X
- d. Estimated market value? \_\_\_\_\_
- e. Amount of mortgage? \_\_\_\_\_

\*My cost of rent per month \$512.00  
HUD cost of rent 163.00  
\$675.00 total monthly rent

COPY

AO 398 (12/93)

NOTICE OF LAWSUIT AND REQUEST FOR  
WAIVER OF SERVICE OF SUMMONS

RECEIVED

JUN 22 1995

TO: (A) JAY RAKOWas (B) ATTORNEYof (C) PARAMOUNT PICTURES, VIACOM  
BLOCKBUSTER DEPUTY

CLERK, U.S. DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

A lawsuit has been commenced against you (or the entity on whose behalf you are addressed.) A copy of the complaint is attached to this notice. It has been filed in the United States District Court for the (D) SOUTHERN District of CALIFORNIA and has been assigned docket number (E) \_\_\_\_\_.

This is not a formal summons or notification from the court, but rather my request that you sign and return the enclosed waiver of service in order to save the cost of serving you with a judicial summons and an additional copy of the complaint. The cost of service will be avoided if I receive a signed copy of the waiver within (F) \_\_\_\_\_ days after the date designated below as the date on which this Notice and Request is sent. I enclose a stamped and addressed envelope (or other means of cost-free return) for your use. An extra copy of the waiver is also attached for your records.

If you comply with this request and return the signed waiver, it will be filed with the court and no summons will be served on you. The action will then proceed as if you had been served on the date the waiver is filed, except that you will not be obligated to answer the complaint before 60 days from the date designated below as the date on which this notice is sent (or before 90 days from that date if your address is not in any judicial district of the United States.)

If you do not return the signed waiver within the time indicated, I will take appropriate steps to effect formal service in a manner authorized by the Federal Rules of Civil Procedure and will then, to the extent authorized by those Rules, ask the court to require you (or the party on whose behalf you are addressed) to pay the full costs of such service. In that connection, please read the statement concerning the duty of parties to waive the service of the summons, which is set forth at the foot of the waiver form.

I affirm that this request is being sent to you on behalf of the plaintiff, this 22 day of

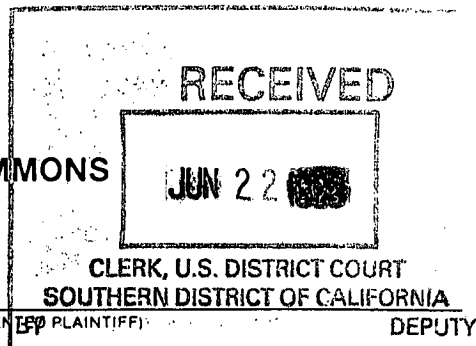
June, 1995.

*Samantha Kennedy*  
Signature of Plaintiff's Attorney  
or Unrepresented Plaintiff

- A — Name of individual defendant (or name of officer or agent of corporate defendant)
- B — Title, or other relationship of individual to corporate defendant
- C — Name of corporate defendant, if any
- D — District
- E — Docket number of action
- F — Addressee must be given at least 30 days (60 days if located in foreign country) in which to return waiver

AO 399 (12/93)

# WAIVER OF SERVICE OF SUMMONS



TO: \_\_\_\_\_  
(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I acknowledge receipt of your request that I waive service of a summons in the action of

\_\_\_\_\_, which is case number \_\_\_\_\_  
(CAPTION OF ACTION) (DOCKET NUMBER)

in the United States District Court for the \_\_\_\_\_ District of

\_\_\_\_\_. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after \_\_\_\_\_ (DATE REQUEST WAS SENT) or within 90 days after that date if the request was sent outside the United States.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE

Printed/Typed Name: \_\_\_\_\_

As \_\_\_\_\_ of \_\_\_\_\_  
(TITLE) (CORPORATE DEFENDANT)

## Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

8. Do you have a checking account? YES x NO



copy

12. If you answered all of the items in #2 "no," and have not indicated any other assets or sources of income anywhere on this form, you must explain the sources of funds for your day-to-day expenses.
- 
- 
- 

I declare under the penalty of perjury that the foregoing is true and correct and understand that a false statement herein may result in the dismissal of my claims.

6-22-95

Date

Samantha Kennedy

Signature of Applicant

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

SAMANTHA KENNEDY,

Plaintiff,

v.

PARAMOUNT PICTURES, et al.,

Defendants.

Civil No.

95 - 1954  
ORDER GRANTING IN FORMA  
PAUPERIS STATUS AND  
DISMISSING THE COMPLAINT  
WITH 60 DAYS LEAVE TO AMEND

Plaintiff has submitted an affidavit requesting leave to proceed in forma pauperis under 28 U.S.C. Section 1915(a). The court is satisfied that the plaintiff is sufficiently impoverished that in forma pauperis status is justified.

Title 28 U.S.C. Section 1915(d) authorizes federal courts to dismiss a claim filed in forma pauperis prior to service. See Denton v. Hernandez, 112 S. Ct. 1728, 1730-31 (1992).

Concerning plaintiff's complaint, the factual situation underlying the complaint is unclear. Specifically, plaintiff does not elaborate on her own allegedly copyrighted work. In order for the court to grant a request to proceed in forma pauperis, the plaintiff must clearly state what actions by the defendants violated the plaintiff's rights, what federal statutory or constitutional provision entitles her to relief, and what relief plaintiff seeks.

I remember  
it was 9-11-95  
not 9-12-95



1 REX S. HEINKE, SBN 066163  
2 ELLEN L. FARRELL, SBN 173947  
3 GIBSON, DUNN & CRUTCHER LLP  
4 333 South Grand Avenue  
5 Los Angeles, California 90071-3197  
6 (213) 229-7000

7 RICHARD D. GLUCK, SBN 151675  
8 750 B Street, Suite 3300  
9 San Diego, California 92101-4605  
10 (619) 544-8000

11 Attorneys for Defendants  
12 Paramount Pictures Corporation;  
13 Viacom Inc.; and Blockbuster  
14 Videos, Inc.

15 UNITED STATES DISTRICT COURT  
16 SOUTHERN DISTRICT OF CALIFORNIA

17 SAMANTHA KENNEDY,

18 Plaintiff,

19 v.

20 PARAMOUNT PICTURES CORP. VIACOM  
21 INC. AND BLOCKBUSTER VIDEOS,  
22 INC.,

23 Defendants.

CASE NO. 95-1954-K

RESPONSE OF DEFENDANTS PARAMOUNT  
PICTURES CORPORATION, VIACOM INC.  
AND BLOCKBUSTER VIDEOS, INC. TO  
PLAINTIFF'S FIRST SET OF REQUESTS  
FOR PRODUCTION OF DOCUMENTS

24 PROPOUNDING PARTY: SAMANTHA KENNEDY

25 RESPONDING PARTIES: PARAMOUNT PICTURES CORPORATION, VIACOM INC.  
26 AND BLOCKBUSTER VIDEOS, INC.

27 SET NO.: ONE

28 Pursuant to Rule 34 of the Federal Rules of Civil Procedure,  
defendants Paramount Pictures Corporation ("Paramount Pictures"),  
Viacom Inc. ("Viacom") and Blockbuster Videos, Inc. ("Blockbuster")

(collectively, "Defendants") hereby respond to Plaintiff's First Set of Requests for Production of Documents.

PRELIMINARY STATEMENT

Defendants have not completed their investigation of the facts relating to this case, have not completed discovery and have not commenced their preparation for trial. As such, these Responses are given without prejudice to Defendants' right to produce evidence of any subsequently discovered fact or facts, and to otherwise assert factual and legal contentions as additional facts are ascertained, analyses are made and legal research is completed.

GENERAL OBJECTIONS

GENERAL OBJECTION NO. 1:

Defendants object to each and every Request to the extent it calls for the production of any documents protected by the attorney-client privilege, attorney work product immunity, or any other recognized privilege or immunity and Defendants and their counsel hereby assert such privileges and immunities.

GENERAL OBJECTION NO. 2:

Inadvertent production of any documents which are privileged or otherwise immune from discovery shall not constitute a waiver of any privilege or of any other ground for objecting to the discovery with respect to such documents, including the subject matter contained therein, or the right of Defendants to object to the use of any such documents or the subject matter contained therein during subsequent proceedings.

1 GENERAL OBJECTION NO. 3:

2 Defendants object to each and every Request to the extent it  
3 seeks documents containing information subject to a third party's  
4 Constitutional, statutory or common-law rights of privacy.

5 GENERAL OBJECTION NO. 4:

6 Defendants object to each and every Request to the extent it  
7 seeks documents beyond the scope of discovery set forth in Rule  
8 26(b) of the Federal rules of Civil Procedure.

9 The Preliminary Statement and General Objections are  
10 incorporated into each of the Responses set forth below, which  
11 Responses are made without waiver of any of these General  
12 Objections.

13 RESPONSES

14 REQUEST NO. 1:

15 All documents that contain, refer or relate to the GROSS amount  
16 that the movie, "Forrest Gump" made in Domestic Sales in the United  
17 States.

18 RESPONSE TO REQUEST NO. 1:

19 In addition to their General Objections, Defendants  
20 specifically object to this Request to the extent it purports to  
21 require production of documents containing information that is  
22 private, business confidential, proprietary, or a trade secret on  
23 the grounds that such documents and/or information are privileged.  
24 Defendants further specifically object to this Request on the ground  
25 that it is overly broad, unduly burdensome and oppressive to the  
26 extent it purports to require Defendants to produce documents  
27 containing detailed information regarding this subject; Defendants  
28 also object to disclosing such documents until and unless liability

1 for copyright infringement is established. See Response to  
2 Interrogatory No. 2 of Plaintiff's First Set of Interrogatories.

3 REQUEST NO. 2:

4 All documents constituting, referring or relating to any  
5 agreements, negotiations, communications, or other contact between  
6 Defendants and any other person, relating to the movie "Forrest  
7 Gump."

8 RESPONSE TO REQUEST NO. 2:

9 In addition to their General Objections, Defendants  
10 specifically object to this Request to the extent it purports to  
11 require the production of documents that are not relevant to the  
12 subject matter of this litigation and not reasonably calculated to  
13 lead to the discovery of admissible evidence. Defendants further  
14 specifically object to this Request to the extent it purports to  
15 require production of documents containing information that is  
16 private, business confidential, proprietary, or a trade secret on  
17 the grounds that such documents and/or information are privileged.  
18 Defendants further specifically object to this Request on the ground  
19 that it is overly broad, unduly burdensome and oppressive to the  
20 extent it purports to require Defendants to produce documents  
21 containing, referring or relating to "any" person and without  
22 limitation as to subject matter.

23 REQUEST NO. 3:

24 All documents that refer or relate to Sherry Lansing's role in  
25 the making of the movie "Forrest Gump."

26 RESPONSE TO REQUEST NO. 3:

27 In addition to their General Objections, Defendants  
28 specifically object to this Request on the ground that it is overly



1 broad, unduly burdensome and oppressive to the extent it purports to  
2 require Defendants to produce documents referring or relating to Ms.  
3 Lansing's "role" without limitation as to subject matter. See  
4 Response to Interrogatory No. 9 of Plaintiff's First Set of  
5 Interrogatories.

6 REQUEST NO. 4:

7 All documents naming and identifying each investor referring or  
8 relating to the movie "Forrest Gump," including but not limited to  
9 each investor's address, phone number, communications, contracts and  
10 all documents.

11 RESPONSE TO REQUEST NO. 4:

12 In addition to their General Objections, Defendants  
13 specifically object to this Request to the extent it purports to  
14 require production of documents containing information that is  
15 private, business confidential, proprietary, or a trade secret on  
16 the grounds that such documents and/or information are privileged.  
17 Defendants further specifically object to this Interrogatory on the  
18 ground that it purports to require the production of documents that  
19 are not relevant to the subject matter of this litigation and not  
20 reasonably calculated to lead to the discovery of admissible  
21 evidence. Defendants state that there are no responsive documents;  
22 see Response to Interrogatory No. 11 of Plaintiff's First Set of  
23 Interrogatories.

24 REQUEST NO. 5:

25 All documents naming and identifying each country that the  
26 movie showed in.  
27  
28

1 **RESPONSE TO REQUEST NO. 5:**

2 In addition to their General Objections, Defendants  
3 specifically object to this Request to the extent it purports to  
4 require the production of documents that are not relevant to the  
5 subject matter of this litigation and not reasonably calculated to  
6 lead to the discovery of admissible evidence. Defendants further  
7 specifically object to this Request on the ground that it is overly  
8 broad, unduly burdensome and oppressive to the extent it purports to  
9 require Defendants to produce "all" documents containing, referring  
10 or relating to "each country that the movies showed in" without  
11 limitation as to subject matter. See Response to Interrogatory No.  
12 3 of Plaintiff's First Set of Interrogatories.

13 **REQUEST NO. 6:**

14 All documents referring or relating to the GROSS amount of  
15 money that each country made from the movie "Forrest Gump."

16 **RESPONSE TO REQUEST NO. 6:**

17 In addition to their General Objections, Defendants  
18 specifically object to this Request on the ground that it is  
19 unintelligible. Defendants further specifically object to this  
20 Request to the extent it purports to require the production of  
21 documents that are not relevant to the subject matter of this  
22 litigation and not reasonably calculated to lead to the discovery of  
23 admissible evidence. Defendants further specifically object to this  
24 Request to the extent it purports to require production of documents  
25 containing information that is private, business confidential,  
26 proprietary, or a trade secret on the grounds that such documents  
27 and/or information are privileged. Defendants further specifically  
28 object to this Request on the ground that it is overly broad, unduly

1 burdensome and oppressive to the extent it purports to require  
2 Defendants to produce documents containing detailed information  
3 regarding this subject; Defendants also object to disclosing such  
4 documents until and unless liability for copyright infringement is  
5 established. See Response to Interrogatory No. 4 of Plaintiff's  
6 First Set of Interrogatories.

7 REQUEST NO. 7:

8 All documents referring or relating to the GROSS amount of  
9 money of all video sales, domestic and foreign.

10 RESPONSE TO REQUEST NO. 7:

11 In addition to their General Objections, Defendants  
12 specifically object to this Request to the extent it purports to  
13 require production of documents containing information that is  
14 private, business confidential, proprietary, or a trade secret on  
15 the grounds that such documents and/or information are privileged.  
16 Defendants further specifically object to this Request on the ground  
17 that it is overly broad, unduly burdensome and oppressive to the  
18 extent it purports to require Defendants to produce documents  
19 containing detailed information regarding this subject; Defendants  
20 also object to disclosing such documents until and unless liability  
21 for copyright infringement is established. See Response to  
22 Interrogatory No. 5 of Plaintiff's First Set of Interrogatories.

23 REQUEST NO. 8:

24 All documents referring and relating to each movie that Tom  
25 Cruise made in the last six years but not limited to what his  
26 position at Paramount Pictures is.

1 RESPONSE TO REQUEST NO. 8:

2 In addition to their General Objections, Defendants  
3 specifically object to this Request to the extent it purports to  
4 require the production of documents that are not relevant to the  
5 subject matter of this litigation and not reasonably calculated to  
6 lead to the discovery of admissible evidence. See Response to  
7 Interrogatory No. 10 of Plaintiff's First Set of Interrogatories.

8 REQUEST NO. 9:

9 All documents referring and relating to identifying each person  
10 who worked on the screenplay "Forrest Gump."

11 RESPONSE TO REQUEST NO. 9:

12 In addition to their General Objections, Defendants  
13 specifically object to this Request because it is vague and  
14 ambiguous in its use of the phrase "worked on." Defendants further  
15 specifically object to this Request on the ground that it is overly  
16 broad, unduly burdensome and oppressive to the extent it purports to  
17 require Defendants to produce all documents containing, referring or  
18 relating to "each person who worked on the screenplay 'Forrest  
19 Gump'" without limitation as to subject matter. See Response to  
20 Interrogatory No. 6 of Plaintiff's First Set of Interrogatories.

21 REQUEST NO. 10:

22 All documents referring and relating to the GROSS amount of  
23 money that Tom Hanks made from the movie "Forrest Gump."

24 RESPONSE TO REQUEST NO. 10:

25 In addition to their General Objections, Defendants  
26 specifically object to this Request on the ground that it purports  
27 to require the production of documents that are not relevant to the  
28 subject matter of this litigation and not reasonably calculated to



1 lead to the discovery of admissible evidence. Defendants further  
2 specifically object to this Request to the extent it purports to  
3 seek the production of documents containing information protected by  
4 the Constitutional, statutory and/or common-law rights to privacy  
5 because it seeks private and confidential information pertaining to  
6 Mr. Hanks. Defendants further specifically object to this Request  
7 on the ground that it is vague and ambiguous in its use of the  
8 phrase "made from the movie 'Forrest Gump.'" See Response to  
9 Interrogatory No. 7 of Plaintiff's First Set of Interrogatories.

10 REQUEST NO. 11:

11 All documents referring and relating to the GROSS amount of  
12 money that Robert Zemeckis made from the movie "Forrest Gump."

13 RESPONSE TO REQUEST NO. 11:

14 In addition to their General Objections, Defendants  
15 specifically object to this Request on the ground that it purports  
16 to require the production of documents that are not relevant to the  
17 subject matter of this litigation and not reasonably calculated to  
18 lead to the discovery of admissible evidence. Defendants further  
19 specifically object to this Request to the extent it purports to  
20 seek the production of documents containing information protected by  
21 the Constitutional, statutory and/or common-law rights to privacy  
22 because it seeks private and confidential information pertaining to  
23 Mr. Zemeckis. Defendants further specifically object to this  
24 Request on the ground that it is vague and ambiguous in its use of  
25  
26  
27  
28

1 the phrase "made from the movie 'Forrest Gump.'" See Response to  
2 Interrogatory No. 8 of Plaintiff's First Set of Interrogatories.

3 DATED: August 21, 1996

4  
5 GIBSON, DUNN & CRUTCHER LLP  
6 REX S. HEINKE  
7 RICHARD D. GLUCK  
8 ELLEN L. FARRELL

9  
10 By: Ellen L. Farrell  
11 Ellen L. Farrell

12 Attorneys for Defendants  
13 Paramount Pictures Corporation;  
14 Viacom Inc.; and Blockbuster Videos,  
15 Inc.

16 LA962210.090/5+

CERTIFICATE OF SERVICE BY MAIL

I, **Louise Clarke Stone**, hereby certify as follows:

I am employed in the County of Los Angeles, State of California; I am over the age of eighteen years and am not a party to this action; my business address is 333 South Grand Avenue, Los Angeles, California 90071, in said County and State; I am employed in the office of **Ellen L. Farrell**, a member of the bar of this Court, and at her direction, on August 21, 1996, I served the following:  
**RESPONSE OF DEFENDANTS PARAMOUNT PICTURES CORPORATION, VIACOM INC. AND BLOCKBUSTER VIDEOS, INC. TO PLAINTIFF'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS** on the interested parties in this action, by placing a true copy thereof in an envelope addressed to the attorney(s) of record, addressed as follows:

**Samantha Kennedy  
P. O. Box 90726  
San Diego, California 92169**

I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business.

I certify under penalty of perjury that the foregoing is true and correct, that the foregoing document(s), and all copies made from same, were printed on recycled paper, and that this Certificate of Service was executed by me on August 21, 1996 at Los Angeles, California.

LA962210.090/1+

SUPREME COURT OF THE UNITED STATES

Kennedy, Samantha  
Petitioner

v.

No. 01-10333

Paramount Pictures Corp. Viacom Corp. et al  
Respondent

To Rex Heinke Counsel for Respondent:

YOU ARE HEREBY NOTIFIED pursuant to Rule 12.3 that a petition for writ of certiorari in the above-entitled case was filed in the Supreme Court of the United States on March 23, 2002, and placed on the docket May 22, 2002. Pursuant to Rule 15.3, the due date for a brief in opposition is June 21, 2002. If the due date is a Saturday, Sunday, or federal legal holiday, the brief is due on the next day that is not a Saturday, Sunday, or federal legal holiday.

Unless the Solicitor General of the United States represents the respondent, a waiver form is enclosed and should be sent to the Clerk only in the event you do not intend to file a response to the petition.

Only counsel of record will receive notification of the Court's action in this case. Counsel of record must be a member of the Bar of this Court.

Samantha Kennedy  
Counsel for Petitioner

551 Fredricks Ave. #301  
Number and Street

Oceanside, Ca. 92054  
City, State, and Zip Code

760-439-8289  
Telephone Number

NOTE: This notice is for notification purposes only, and neither the original nor a copy should be filed in the Supreme Court.



Declaration of Princess Samantha Kennedy  
and Adam Clayton Ulrich Pro Se  
Proof of Service By Mail

I, Princess Samantha Kennedy declare as follows:  
My address is 777 Seacoast Drive, #N, Imperial Beach, Ca. 91932 which is located in the county where the mailing described below took place, the County of San Diego, State of California.  
On November 28, 2012, I served the document(s) described as: <sup>(date of mailing)</sup> Objection and Opposition, Memorandum of Points And Authorities in support of our Opposition and Objection to Defendant's Request for Judicial Notice, Exhibits A, B, on all interested parties in this action placing a true and correct copy thereof in a sealed envelope, with first-class postage prepaid, thereon, Overnight Express at the U.S. Post office in Imperial Beach, California to authorized officer to be delivered to: Caldwell Leslie & Proctor, PC Joan Mack address 725 South Figueroa Street, 31<sup>st</sup> Floor, Los Angeles, California 90017-5524 (their new address) I am over 18 years old. I declare under penalty of perjury that the foregoing is true and correct.  
Executed on November 28, 2012 at Imperial Beach, California.

Princess Samantha Kennedy  
~~Princess Samantha Kennedy~~  
Adam Clayton Ulrich  
Adam Clayton Ulrich